

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

FEDERAL TRADE COMMISSION  
Plaintiff

V.

DIRECT MARKETING CONCEPTS, INC.  
*et al*, Defendants

DOCKET # 1:04-cv-11136-GAO

DEFENDANTS TRIAD ML MARKETING, INC.,  
KING MEDIA, INC. AND ALLEN STERN  
MOTION TO EXTEND TIME  
FOR RESPONDING TO COMPLAINT

The defendants Triad ML Marketing, Inc., King Media, Inc. and Allen Stern move that the time within which these defendants may answer, move or otherwise respond to the Complaint be extended to and including Monday, November 1, 2004.

In support of this motion the undersigned counsel respectfully represents as follows:

1. The defendants Triad ML Marketing, Inc. and King Media, Inc. both have offices only in Pennsylvania, and Allen Stern is a resident of Pennsylvania (hereinafter collectively referred to as the "Pennsylvania Defendants.")

2. The Pennsylvania defendants have been represented by a Washington DC law firm.

3. The Washington D.C. law firm has been in communication and negotiations with the Federal Trade Commission on behalf of the Pennsylvania Defendants.

4. I am informed that one of the Pennsylvania Defendants, Allen Stern, is traveling, out of the country, and will not return until October 11, 2004. I am further informed that Washington counsel have agreed with the Federal Trade Commission that Allen Stern will submit to a recorded interview to be conducted by the Federal Trade Commission on October 14, 2004.

5. The undersigned counsel only recently has been asked to file an appearance in this matter and to work with Washington Counsel on behalf of the Pennsylvania Defendants.

6. The additional requested time is reasonably necessary for the undersigned counsel to confer with the clients and with the clients' Washington D.C. counsel in order to become sufficiently familiar with the facts and law and to assist in preparation of an appropriate response to the Complaint.

7. I am informed that the Federal Trade Commission previously has granted time extensions to the Pennsylvania Defendants' Washington D.C. Counsel. The undersigned counsel conferred with Attorney Daniel Kaufman of the Federal Trade Commission on Friday, October 1, 2004 and advised that counsel would be filing an Appearance for the Pennsylvania Defendants and would be filing a motion seeking an extension of time. Attorney Kaufman indicated that he would be amenable to granting some further brief extension, of a week or ten days.

8. The additional requested time is reasonably necessary in view of the location of the clients and other counsel, and the complexity of the issues; and granting of this motion will not interfere with the scheduled interview of defendant Allen Stern or any scheduled proceedings in this case.

WHEREFORE the defendants Triad ML Marketing, Inc., King Media, Inc. and Allen Stern move that the time within which these defendants may answer, move or otherwise respond to the Complaint be extended to and including Monday, November 1, 2004.

By their attorneys,



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Certificate of Compliance

Pursuant to Local Rule 7.1, I certify that I have conferred with counsel for the Federal Trade Commission, Attorney Daniel Kaufman, and have attempted in good faith to resolve or narrow the issue. Attorney Kaufman stated that the Federal Trade Commission has not yet decided whether it will file any opposition to this motion.

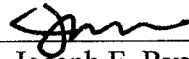


Joseph F. Ryan BBO# 435720

Certificate of Service

I certify that I served the foregoing motion this date upon the plaintiff Federal Trade Commission by telecopier and U.S. Mail, and upon all other counsel of record by U.S. Mail.

October 5, 2004



Joseph F. Ryan BBO# 435720